

States, with the NRC in accordance with 10 CFR part 150, § 150.20 (an Army radiation permit issued under provisions of this section will be valid for no more than 180 days in any calendar year);

(3) For NARM and machine-produced ionizing radiation sources, the applicant has an appropriate State authorization that allows the applicant to use the source as specified in the Army radiation permit application or has in place a radiation safety program that complies with Army regulations; or

(4) For overseas installations, the applicant has an appropriate host-nation authorization as necessary that allows the applicant to use the source as specified in the Army radiation permit application and has in place a radiation safety program that complies with Army regulations. (Applicants will comply with applicable status-of-forces agreements (SOFAs) and other international agreements.)

(d) All Army radiation permits will require applicants to remove all permitted sources from Army property by the end of the permitted time.

(e) Disposal of radioactive material by non-Army agencies on Army property is prohibited. However, the installation commander may authorize radioactive releases to the atmosphere or to the sanitary sewerage system that are in compliance with all applicable Federal, DoD, and Army regulations. (The installation commander also will give appropriate consideration to State or local restrictions on such releases.)

[63 FR 53810, Oct. 7, 1998]

PART 656—INSTALLATIONS, USE OF OFF-ROAD VEHICLES ON ARMY LAND

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AUTHORITY: 10 U.S.C. 3012.

SOURCE: 42 FR 56326, Oct. 25, 1977, unless otherwise noted.

§ 656.1 Purpose.

The purpose of this regulation is to establish uniform policies, procedures, and criteria for controlling off-road travel by off-road vehicles, and to prescribe appropriate operating conditions for use of such vehicles. This regulation implements DOD Directive 6050.2, August 21, 1974, amended August 10, 1977.

§ 656.2 Applicability.

(a) This regulation applies to all installations and activities in the United States under management and control of the Department of the Army by administrative jurisdiction in accordance with a public lands withdrawal, lease, or similar instrument, under the following conditions of use:

(1) Installations and activities in active use by the Army, those held in an inactive or standby condition for future active use by the Army, and those in an excess category (see AR 405-90, for further guidance with respect to excess properties).

(2) Federally operated installations and activities, or portions thereof, which are in full-time or intermittent use by the National Guard, or which are being held by the Department of the Army for use by the National Guard.

(3) Installations and activities, or portions thereof, which are in full-time or intermittent use by the Army Reserve or ROTC.

(b) This regulation does not apply to:

(1) Civil Works functions of the Corps of Engineers.

(2) Facilities occupied by Army activities as tenants when real property accountability and control is vested in another military department or government agency, such as the General Services Administration.

§ 656.3 Definitions.

For the purpose of this regulation, the following definitions will apply:

(a) Off-road vehicles (ORV). Any motorized vehicle designed primarily for, or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other

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natural terrain, except that such term excludes

- (1) Any registered motorboat,
 - (2) Any military, fire, ambulance, or law enforcement vehicle when used for emergency purposes, and any combat or combat support vehicle when used for national defense purposes, and
 - (3) Any vehicle whose use is authorized by the Secretary of Defense, or his properly designated representative, for official use under a permit, lease, license, or contract.
- (b) Official use. Use by an employee, agency, or designated representative of the Department of Defense or one of its contractors in the course of his employment, or agency representation.

§ 656.4 Objectives.

The objectives of this regulation are to insure that:

- (a) The national security requirements related to Army lands are not impaired.
- (b) The natural resources and environmental values are protected.
- (c) Safety and accident prevention is given a paramount consideration.
- (d) Conflicts of land use within and adjacent to the facility are minimized by advance planning and by cooperation with local governments wherever necessary.
- (e) Year-round outdoor recreational opportunities are maximized.

§ 656.5 Policies.

(a) As a trustee of public lands, the Army has a responsibility under Pub. L. 91-190 and Pub. L. 88-29 to protect and enhance environmental quality, conserve natural resources, and provide opportunities for outdoor recreation. However, it must be recognized that land under Army control was acquired solely for national defense purposes. Other uses are therefore secondary to mission needs.

(b) All land and water areas will be closed to off-road recreational use by ORV's except those areas and trails which are determined suitable and specifically designated for such under the procedures established in this regulation.

(1) In determining suitability of areas and trails for ORV use, each type of motorized vehicle, ORV, shall be con-

sidered separately, taking into account its potential environmental impact, the seasonal nature of its use and opportunities for counterseasonal use with other recreational users.

(2) The characteristics of use of one type of motorized recreational vehicle, ORV, shall not affect or govern regulations on the use of an area or trail by another type of ORV use.

(c) When ORV use is permitted, the intensity, timing, and distribution will be carefully regulated to protect the environmental values. In designating suitable sites, equitable treatment should be given to all forms of outdoor recreational activity and where possible, nonconflicting use shall be encouraged on existing trails. Prior to designating such areas or trails for ORV use, the environmental consequences must be assessed and environmental statements prepared and processed when such assessments indicate that the proposed use will create a significant environmental impact or be environmentally controversial (Pub. L. 91-190 and AR 200-1). This procedure applies to all areas, including areas under consideration which previously have been used by ORV's.

(d) If the installation commander or his designee determines that ORV use is causing or will cause considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat, or cultural or historic resources, he shall immediately prohibit the type of ORV use causing such effects, and if necessary, close such designated sites. Restrictions on ORV use or closure of designated sites shall remain in effect until such adverse effects have been eliminated, including site restoration if necessary, and appropriate measures implemented to prevent any such recurrence.

(e) Persons abusing the ORV use privilege shall be barred, with their vehicles, from access to the Army installation for ORV use. Further action, as appropriate, may be taken under 18 U.S.C. section 1382. Violations of Federal or State laws applicable to Army installations under title 18 U.S.C. (Assimilative Crimes) may be referred to a U.S. Magistrate in accordance with AR 27-40 and AR 190-29.